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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,756	04/03/2001	Takahiro Matsuda	826.1713	9121

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EXAMINER

HAMILTON, MONPLAISIR G

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 04/25/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/823,756

Applicant(s)

MATSUDA ET AL.

Examiner

Monplaisir G Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 April 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

1. Claims 1-13 are pending.

***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 4/3/01 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6363178 issued to Chiba et al, herein referred to as Chiba.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Referring to Claims 10 and 11:

Chiba discloses a computer-readable recording medium recorded with a program for a computer, the program allowing the computer to perform: assigning reduction ranking to each of a plurality of files on the basis of ranking rules associated with attributes of the respective files (col 6, lines 25-50; col 7, lines 29-49; col 10, lines 10-20); and reducing data in each of the files

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according to the reduction ranking when a data storage capacity is insufficient for new data storage (col 8, lines 5-20).

5. Claims 1, 2 and 4-13 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6298173 issued to Lopretsi, herein referred to as Lopretsi.

Referring to Claims 1, 12 and 13:

Lopretsi discloses a data storage device comprising: a data storage unit storing a plurality of files each having a plurality of attributes (col 3, lines 20-30; col 4, lines 40-60); a rule setup unit storing a ranking rule for ranking the files for each of the attributes (col 9, lines 15-20; Fig 13, col 9, lines 35-40); an assignment unit assigning reduction ranking to each of the files on the basis of ranking rules associated with the attributes (col 9, lines 55-65); and a reduction unit reducing data in each file according to the reduction ranking when a storage capacity of the data storage unit is insufficient for new data storage (col 2, lines 15-20; col 8, lines 10-15).

Referring to Claims 10 and 11:

Lopretsi discloses a computer-readable recording medium recorded with a program for a computer, the program allowing the computer to perform: assigning reduction ranking to each of a plurality of files on the basis of ranking rules associated with attributes of the respective files (col 9, lines 55-65); and reducing data in each of the files according to the reduction ranking when a data storage capacity is insufficient for new data storage (col 2, lines 15-20; col 8, lines 10-15).

Referring to Claim 2:

Lopretsi discloses the limitations as discussed in Claim 1 above. Lopretsi further discloses the rule setup unit further stores application ranking of each of the ranking rules associated with the attributes, and the assignment unit applies the ranking rules in the application ranking order to determine the reduction ranking of the files (col 4, lines 40-50; col 9, lines 55-65).

Referring to Claim 4:

Lopretsi discloses the limitations as discussed in Claim 1 above. Lopretsi further discloses an edit unit editing information stored in the rule setup unit (col 9, lines 15-30).

Referring to Claim 5:

Lopretsi discloses the limitations as discussed in Claim 1 above. Lopretsi further discloses a reduction ranking storage unit storing the reduction ranking of the files, and wherein the assignment unit determines the reduction ranking during an idle time in processing associated with the data storage unit and stores the reduction ranking in the reduction ranking storage unit (col 7, lines 45-60; col 8, lines 1-10; col 9, lines 50-55).

Referring to Claim 6:

Lopretsi discloses the limitations as discussed in Claim 1 above. Lopretsi further discloses data storage unit includes a buffer area into which data is written temporarily when the

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storage capacity is insufficient, and the reduction unit reduces data in each file after data has been written into the buffer area (col 10, lines 9-12).

Referring to Claim 7:

Lopretsi discloses the limitations as discussed in Claim 1 above. Lopretsi further discloses a restoration unit restoring a data-deleted file to the original file, and wherein the data storage unit stores a virtual file containing file information of the original file and link information that points to real data of the data-deleted file and the restoration unit restores the data-deleted file to the original file on the basis of information in the virtual file (col 4, lines 10-30; col 6, lines 60-67).

Referring to Claim 8:

Lopretsi discloses the limitations as discussed in Claim 1 above. Lopretsi further discloses an algorithm storage unit storing application ranking of a plurality of reduction processing algorithms, and wherein the reduction unit determines a combination of a reduction processing algorithm and a file whose data is to be reduced on the basis of the application ranking of the reduction processing algorithms and the reduction ranking of the files (col 6, lines 55-65).

Referring to Claim 9:

Lopretsi discloses the limitations as discussed in Claim 1 above. Lopretsi further discloses a data reduction speed storage unit storing data reduction speed for each of a plurality

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of combinations of a reduction processing algorithm and a file whose data is to be reduced, and wherein the reduction unit calculates a target reduction speed and makes a comparison between the target reduction speed and the data reduction speed stored in the data reduction speed storage algorithm and a file whose data is to be deleted (col 6, lines 55-65; col 7, lines 35-40; col 7, lines 60-65).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6298173 issued to Lopretsi, herein referred to as Lopretsi in view of US 5276867 issued to Kenley et al.

Referring to Claim 3:

Lopretsi discloses the limitations as discussed in Claim 1 above.

Lopretsi does not explicitly disclose “the rule setup unit further stores weight information for each of the attributes, and the assignment unit calculates the total of the attributes of each file on the basis of the weight information and determines the reduction ranking of the files on the basis of the total of the attributes.”



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Kenley discloses the rule setup unit further stores weight information for each of the attributes, and the assignment unit calculates the total of the attributes of each file on the basis of the weight information and determines the reduction ranking of the files on the basis of the total of the attributes (col 22, lines 50-60).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Lopretsi such that each attribute is assigned a weight that is used to calculate a rank. One of ordinary skill in the art would have been motivated to do this because it would allow file reduction based on a total attribute weight (col 2, lines 60-65).

### ***Prior Art***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


US 6445460 issued to Pavley, John F. Pavley further discloses a method and system aspects for providing more automatic image file handling with a digital image capture device. The present invention includes the designation of at least one file format attribute of a plurality of file format attributes for captured digital images in the digital image capture device. Further included is the establishment of one or more rule sets for digital image file handling based on the plurality of file format attributes, and the manipulation of digital image files according to a selected rule set of the one or more rule sets.

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*Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monplaisir G Hamilton whose telephone number is 1703-305-5116. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on 1703-305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are 1703-746-7239 for regular communications and 1703-746-7238 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 1703-305-3900.

Monplaisir Hamilton  
April 17, 2003

  
JEAN M. CORRIELUS  
PRIMARY EXAMINER